IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 1453 OF 2007

Manju Ishwaar Poptani .. Petitioner.

V/s.

State of Maharashtra & Ors. .. Respondents.

Mr.R.K.Mendadkar & Ms.H.K.Mandlik for the Petitioners.

Mr.R.D.Rane, Government Pleader for the Respondents.

CORAM : F.I. REBELLO AND
R.M. SAVANT, JJ.

DATED : 12TH MARCH, 2007.

P.C.:

. Rule. Heard forthwith.

2. The petitioner in the instant case has been duly elected as Councillor of Ulhasnagar Municipal Corporation. She has been elected against a reserved seat for the ward reserved for the Backward Class. The petitioner has sought time for filing her caste validity certificate as belonging to Sutharia caste. In terms of the law for being elected and continuing to hold the seat, the candidate has to produce the caste certificate within three months from being declared elected. In the

present case, the results were declared on 02.02.2007. The petitioner has applied to the Respondent No.2 for verification of her caste validity certificate on 07.02.2007. However, the Respondent No.2 Committee did not entertain the said application and returned the same on the ground that the same is delayed. Therefore, the present petition.

3. The Respondent No.2 has been constituted to decide validity of castes claim. Therefore, it has a statutory duty to decide all claims made to it. The Collector has addressed a communication dated 7.2.2007 to the Respondent No.2 -Committee, which was firstly handed over to the petitioner, which the petitioner had submitted to the Committee; which according to the petitioner, was not accepted.

4. In terms of the law as it stands, a candidate who has been declared to be elected has to produce the caste validity certificate within three months from the date of the declarations of the results. As such, the application moved by the petitioner herein at least was within reasonable time and as such the same could not have been refused by the Committee.

5. In the light of the above, the present petition

can be disposed of by issuing the following directions:

i. As valuable civil rights of the petitioner are at stake, the respondent No.2 Committee is directed to investigate the caste claim of the petitioner and decide the same on or before 30th April, 2007.

ii. The petitioner to submit on or before 14th March, 2007, the application afresh alongwith the copy of this order, which will be accepted by the Committee.

6. Rule is made absolute accordingly with no order as to costs.

(F.I.REBELLO,J.)

(R.M.SAVANT,J.)

.....